

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No.39382

William C. Mitchell  
Kathleen J. Mitchell

5432 King Arthur Circle

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 20, 2009, for a hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1), 35-5-302 (b)(1)(5), failure to paint or cover all exposed wood surfaces on residential property zoned DR 10.5 known as 5432 King Arthur Circle, 21237.

On April 17, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: the Respondent, William Mitchell and, Jason Seidelman, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 17, 2007 requesting that all exposed wood surfaces be painted or covered with siding. Since then, multiple Citations have been issued for failure to comply. A Final Order dated November 30, 2007 imposed a \$2,000.00 civil penalty that could be reduced to zero if Respondent corrected the violations by April 15, 2008. When Respondent failed to correct the violations, the penalty was imposed as a lien on the property effective July 15, 2008.

B. A Final Order dated August 4, 2008 imposed a \$4,000.00 civil penalty that could be reduced to zero if Respondent corrected the violations by October 15, 2008 and further provided that upon compliance the prior existing lien would be removed. Instead of enforcing this second penalty, after another Citation was issued, a third Final Order dated November 26, 2008 noted that Respondent had replaced the house roof at a cost of \$3,000.00 and was in the process of acquiring materials to cover fascia, soffits and trim, and imposed a \$500.00 civil penalty that could be reduced to zero dollars if Respondent completed the work by April 15, 2009. When Respondent failed to meet this deadline, the \$500.00 penalty was imposed as a second lien on the property.

C. This Citation was issued on April 17, 2009 for failure to paint or cover all exposed wood surfaces. Respondent William C. Mitchell testified that he was going to do the roof work himself but injured his knee and had to hire someone to finish the job. He further testified that he plans to put up siding to cover the remaining exposed surfaces and has assembled the materials. He only has his Social Security income so cannot afford to hire out the job and plans to do most of it himself.

D. Photographs in the file show bare, unpainted wood under the front windows and along the roof line of this attached row house. Respondent is obligated by County law to paint or cover these areas with siding, to protect the areas from decay. County Code Section 35-5-302. Because Respondent has made progress at repairing the house, additional time will be provided for completion. However, failure to meet the schedule below will result in additional civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that this \$1,000.00 civil penalty will be RESCINDED and reduced to zero dollars, AND the lien for the \$500.00 civil penalty imposed by Final Order dated November 26, 2008 will be RESCINDED and reduced to zero dollars, on condition Respondent paints or covers with siding all exposed wood surfaces on the property including roof soffits and the areas under the windows, no later than July 31, 2009. If the Respondent fails to correct the violations by that date, the additional \$1,000.00 civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 4<sup>th</sup> day of June 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.